

SENATE BILL 3450

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 70,
Chapter 1, relative to the wildlife resources
commission and its executive director.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-1-201, is amended by deleting the section in its entirety and by substituting instead the following language:

(a)

(1) On midnight June 30, 2012, the wildlife resources commission created prior to such date shall terminate and all terms shall automatically expire at such time, notwithstanding any other law to the contrary. Effective 12:01 a.m. July 1, 2012, the wildlife resources commission created pursuant to subdivision (2) shall be the lawfully created wildlife resources commission.

(2) A new independent and separate administrative board of conservation for game, fish and wildlife of the state is created, to be known and referred to as the wildlife resources commission and sometimes referred to as the commission in this part, to consist of the commissioner of environment and conservation, or the commissioner's designee, the commissioner of agriculture, or the commissioner's designee, and seven (7) citizens of the state, which citizens shall be well informed on the subject of the conservation of game animals, birds and fish within the state. The governor shall appoint five (5) of these citizens, one (1) from each grand division of the state, and two (2) at-large members. One (1) member shall be appointed by the speaker of the senate, and one (1) member shall be appointed by the speaker of the house. Each member is to be appointed within the period provided in this section. In making

appointments to the wildlife resources commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority. At least two (2) people serving on the commission shall be female.

(b)

(1) Each member appointed by the governor shall be confirmed by the house conservation and environment committee and the senate environment, conservation and tourism committee and by joint resolution of the general assembly prior to beginning a term of office.

(2) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of the term of a member of the commission appointed by the governor, the member of the commission whose term has expired shall serve until a new appointee is confirmed as provided in subdivision (b)(1).

(3) Notwithstanding the requirements of subdivision (1), the members, whose initial appointments and terms of office by the governor are to begin July 1, 2012, shall serve until the 108th general assembly convenes and the committees and general assembly take action on the appointments during the first session of the 108th general assembly as provided in subdivision (1). In the event a person appointed by the governor is not confirmed during such process, a vacancy shall be deemed to be created and the governor shall fill the vacancy in accordance with subdivision (2).

(c) In the original gubernatorial appointments, two (2) members shall be appointed to serve for a period of two (2) years, two (2) members to serve for a period of four (4) years and one (1) member to serve for a period of six (6) years. Upon the expiration of the term of office of the gubernatorial appointments, their successors in office shall be appointed in like manner to serve for a full period of six (6) years.

(d) The member appointed by the speaker of the house of representatives and the speaker of the senate shall hold no geographical representation. In the original appointments the speaker of the house of representatives shall appoint one (1) member to an initial term of six (6) years and the speaker of the senate shall appoint one (1) member to an initial term of six (6) years. Upon the expiration of the term of office of the speaker-appointed members of the commission, their successors in office shall be appointed in like manner to serve for a full period of six (6) years.

(e) Not more than one (1) member of the commission shall be appointed from any one (1) county.

(f)

(1) All reports, documents, surveys, books, records, papers or other writings in the possession of the wildlife resources commission as it exists on the date this act takes effect shall be preserved and transferred to the wildlife resources commission created pursuant to subdivision (a)(2).

(2) All assets, liabilities and obligations of the wildlife resources commission as it exists on the date this act takes effect shall become the assets, liabilities and obligations of the wildlife resources commission created pursuant to subdivision (a)(2).

(3) All rules and regulations, proclamations and other orders promulgated or issued by the wildlife resources commission as it exists on the date this act takes effect which are in effect on the effective date of this act shall remain in full force and effect as rules, regulations, proclamations and orders of the wildlife resources commission created pursuant to subdivision (a)(2) until modified or repealed by such newly created commission.

SECTION 2. Tennessee Code Annotated, Section 70-1-303(a), is amended by deleting the second sentence in its entirety and by substituting instead the following language:

The executive director shall be appointed by the governor and shall serve at the pleasure of the governor. The person serving as executive director on the date this act takes effect shall remain and continue serving as the executive director until the governor's appointment is effective. The person currently serving as the executive director may be reappointed by the governor as executive director.

SECTION 3. Tennessee Code Annotated, Section 70-1-303(b), is amended by deleting the language "wildlife resources commission" and by substituting instead the language "governor".

SECTION 4. Tennessee Code Annotated, Section 70-1-304, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) The executive director shall be the chief administrative officer of the wildlife resources agency, and all personnel employed by the commission or the wildlife resources agency shall be under the executive director's direct supervision. The director shall be solely responsible to the wildlife resources commission for the administration and enforcement of the provisions of this title and title 69, chapter 9, and shall be responsible for the performance of all duties and functions delegated by the commission.

(b) The executive director shall serve as recording secretary for the commission and shall be the custodian of and be responsible for all records of the commission. The director shall prepare and keep the minutes of all meetings held by the commission, including a record of all business transacted and decisions rendered by the commission.

(c) The executive director shall:

(1) At the proper time or times publish, in accordance with the rules, regulations, policies and procedures of the state publications committee, the

wildlife resources laws in pamphlet form, preferably in size convenient for the pocket, for general distribution and information; and

(2) Perform such other duties as may be prescribed by the commission or by law, but shall have no authority to make rules or regulations other than those governing the conduct of the employees of the wildlife resources agency or the commission.

SECTION 5. For purposes of terminating the Tennessee wildlife resources commission as it exists on the date this act takes effect and for making appointments to the newly created Tennessee wildlife resources commission created pursuant to Section 1, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.